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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,275	06/27/2003	David R. Smith	1994-0284	4715

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

KERSHTEYN, IGOR

ART UNIT PAPER NUMBER

3745

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/607,275	Applicant(s) SMITH ET AL.	
	Examiner Igor Kershteyn	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/23/2004 have been fully considered but they are not persuasive.

Claims 1-22 are pending. Drawings replacement sheet has been entered.

In the Arguments Applicant generally states that "Valve package 72 is a valve package, as described at column 4, lines 30 and 31, not a hydraulic circuit, contrary to the assertion in the Office action." This statement is not agreed with because "Design Engineers Handbook", 1979, Parker Hannifin Corporation, in page k(a-3) defines "**CIRCUIT** An arrangement of interconnected component parts", thus embodiment of Rolfes (3,985,394) perfectly falls within the definition of "circuit".

Further, Applicant states that "Since each of control valves 100, 102, and 104 respectively controls the flow of fluid between the inlet lines and one pair of outlet lines, there is no way to permit flow through the hydraulic circuit concurrently both a) to-or-from first outlet ports and b)to-or-from second outlet ports, as recited in claim 14." This statement is not agreed with because, as clearly shown in figure 2 and perfectly understood by person of ordinary skill in the art, circuit of Rolfes permits it's user independently operate two or more actuators in either directions by manipulation of the operating levers 50-52.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rolfes (3,985,394).

In figures 1 and 2, Rolfes teaches a utility vehicle 10, comprising:

- a) a utility mechanism 12 having at least two hydraulic drives 40,42,
- b) a hydraulic circuit 72 including feed ports (not numbered), first outlet ports 96 to a first of said hydraulic drives 42 and second outlet ports 94 to a second of said hydraulic drives 40, and said hydraulic circuit being configured to permit flow through said hydraulic circuit 72 concurrently both a) to-or-from said first outlet ports 96 and b) to-or-from said second outlet ports 94; and a method for hydraulically operating a utility mechanism 12 of a utility vehicle 10, comprising: a) supplying hydraulic fluid into a feed port 28 of a hydraulic circuit 72 for said utility mechanism 12, b) supplying hydraulic fluid fed into said feed port 28 in a direction along a first circulation path through said hydraulic circuit 72 to cause a first hydraulic drive 42 to operate a power function of said utility mechanism 12, c) supplying hydraulic fluid fed into said feed port 28 in a direction along a second circulation path through said hydraulic circuit to cause a second hydraulic drive 40 to operate a position function of said utility mechanism 12, and
- d) concurrently performing said steps b) and c) while said utility vehicle 10 is driven.

Allowable Subject Matter

Claims 1-13 are allowed.

Claims 21 and 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is

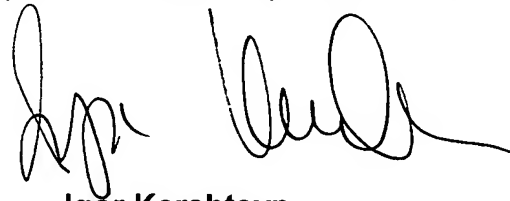
Art Unit: 3745

(571)272-4817. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
2/14/05

A handwritten signature in black ink, appearing to read 'Igor Kershteyn', written over a horizontal line.

Igor Kershteyn
Patent examiner.
Art Unit 3745